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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Dietmar Fauser

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EXAMINER

JOSEPH, TONYA S

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,515	<b>Applicant(s)</b> FAUSER ET AL.	
	<b>Examiner</b> TONYA JOSEPH	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-20 have been previously examined. Claims 1-20 have been cancelled. Claims 21-29 have been added. Thus, claims 21-29 are presented for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 25-26 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

4. Claim 21 recites the limitation, "publishing the future schedule records (FSR) and a reservation distribution server". It is unclear how one would publish a server.

Applicant's specification provides no guidance as to how this step is performed. For Examination purposes, the Examiner is interpreting the publishing of future schedule records (FSR) as meeting the limitations of the claim.

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5. Claim 22 is directed to a graphical user interface within a method claim. It is unclear whether infringement occurs by making a system with a graphical user interface or by performing the method with graphical user interface. Appropriate Correction is required.

6. Claim 23 recites the limitation "the determination of the best re-accommodation option for each passenger impacted by flight schedule changes contained in a batch" in line 1. There is insufficient antecedent basis for this limitation in the claim. Furthermore the plain meaning of the claim is unclear. Appropriate Correction is required.

7. Claim 24 recites the limitation, "a characteristic suffix (SL) is assigned to the changes to be stored as future schedule records (FSR)." The plain meaning of the limitation is unclear. For Examination purposes, Examiner is interpreting a characteristic suffix (SL) being assigned to future records as meeting the limitations of the claim.

Claim 25 recites the limitation, "wherein the fact that there is assigned to each record (FSR) an argument (FSR is published) indicating whether this record (FSR) has been made accessible to the reservation distribution server." The plain meaning of the claim is unclear. Furthermore, there is no method step being performed and the sentence is not a complete thought. For Examination purposes, the Examiner will make a best effort to correlate the claim language to an appropriate citation in the applied prior art.

8. Claim 28 recites the limitation "wherein the case of cyclical dependence between several records" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Objections***

9. Claims 25-26 and 28 objected to because of the following informalities: Claims 25-26 and 28 are dependent on previously cancelled claims. For Examination purposes, the Examiner is interpreting all the claims to be depend from claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 21-23, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow U.S. Patent No. 5,652,867 in view Slivka U.S. Pre-Grant Publication No. 2003/0225600 A1.

12. As per Claim 21, Barlow teaches receiving at least one batch of flight schedule changes at a Schedule Loader server (SLS) (see Col. 2 lines 28-34 and Col. 3 lines 1-10); extracting the changes contained in the batch and storing said changes as a set of Future Schedule Records (FSR) which are stored as temporary data available for passenger re- accommodation purpose (see col. 2 lines 28-34 and Col. 3 lines 51-54); publishing the future schedule records (FSR) and a reservation distribution server (see Col. 3 lines 51-54); Barlow does not explicitly teach the limitation taught by Slivka

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simulating passenger re-accommodation options to determine the best re-accommodation option for each passenger among said future schedule records (FSR) and the data of the flight schedule database (see para. 27 and 44);

applying the changes in the flight schedule database by:

detecting dependent re-accommodation options by checking whether some of the best re-accommodation options are comprised in said future schedule records (FSR) (see para. 52) ; and updating the flight schedule database starting with the future schedule records (FSR) comprising dependent re-accommodation options (see para. 36 and 45); and

updating the reservation inventory database according to the re-accommodations determined during the simulation step (see para. 45). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Barlow to include the teachings of Slivka to accommodate a disrupted passenger.

13. As per Claim 22, Barlow in view of Slivka teach the method of claim 1 as described above. Barlow further teaches a Graphical User Interface to access and set up automation criteria for processing each batch of flight schedule changes (see Fig. 6), for verification of the changes extracted from the batch of changes (see Col. 5 lines 30-39) and for the validation of the reservation re-accommodations (see Col. 5 lines 48-58). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Barlow to further include the teachings of Slivka to accommodate a disrupted passenger.

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14. As per Claim 23, Barlow in view of Slivka teaches the method of claim 1 as described above. Barlow does not explicitly teach the limitation taught by Slivka wherein the determination of the best re-accommodation option for each passenger impacted by flight schedule changes contained in a batch is made among the same batch, a future schedule record (FSR) of another batch and the data of the flight schedule database (see para. 46-47). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Barlow to include the teachings of Slivka to determine a successful booking.

15. As per Claim 25, Barlow in view of Slivka teaches the method of claim 25 as described above. Barlow further teaches that there is assigned to each record (FSR) an argument (FSR is published) indicating whether this record (FSR) has been made accessible to the reservation distribution server (see Col. 2 lines 16-24, Examiner is interpreting the CSR being able to make evaluations as an indication that a record has been made accessible).

16. As per Claim 28, Barlow in view of Slivka teaches the method of claim 1 as described above. Barlow does not explicitly teach the limitation taught by Slivka wherein the case of cyclical dependence between several records, upon the execution of the re-accommodation operations in the reservation system, each reservation in question is modified only once by the assembly of these reassignments (see para. 46). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Barlow to include the teachings of Slivka to efficiently process a re-accommodation request.

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17. Claims 24, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow U.S. Patent No. 5,652,867 in view Slivka U.S. Pre-Grant Publication No. 2003/0225600 A1 in further view of Official Notice.

18. As per Claim 24, Barlow in view of Slivka teaches the method of claim 1 as described above. Barlow does not explicitly teach a characteristic suffix (SL) is assigned to the changes to be stored as future schedule records (FSR). Official Notice is taken that assigning a suffix to delineate data is old and well known. It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Barlow and Slivka to include the teachings of Official Notice to delineate various data elements from one another.

19. As per Claim 26, Barlow in view of Slivka teaches the method of claim 1 as described above. Barlow further teaches for each extracted change: the flight periods of the flight schedule database affected by the change, are opened (see Col. 2 lines 55-60); if said period has not already been affected by one change whose argument (FSR is published) is positive (see Col. 5 lines 45-65); a scheduling change message is sent (see Col. 4 lines 25-32); it is indicated that the change is a record accessible to the reservation distribution server, by placing its argument (FSR is published) in the positive state (see Col. 4 lines 40-45, Examiner is interpreting the CRS executing options as having accessed a change record). Barlow does not explicitly teach said period is duplicated and the suffix (SL) is assigned to the duplicated period. Official Notice is taken that duplicated a period and assigning an identifier to not this change is old and well known. It would have been prima facie obvious to one of ordinary



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skill in the art at the time of invention to modify the method of Barlow to include the teachings of Official Notice to denote a change. The limitation, “to integrate the change in the duplicated period that it affects” is merely a statement of intended result and as such is afforded little patentable weight.

20. As per Claim 29, Barlow in view of Slivka teaches the method of claim 1 as described above. Barlow does not explicitly teach the records (FSR) are deleted after final updating of the flight schedule and the reservation inventory databases. Official Notice is taken that deleting data after it has been applied is old and well known. It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Barlow and Slivka to further include the teachings of Official Notice to free up storage space.

21. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow U.S. Patent No. 5,652,867 in view Slivka U.S. Pre-Grant Publication No. 2003/0225600 A1 in further view of Shetty et al. U.S. Pre-Grant Publication No. 2003/0191678 A1.

22. As per Claim 27, Barlow in view of Slivka teaches the method of claim 1 as described above. Barlow does not explicitly teach the limitation taught by Shetty wherein upon simulation of re-accommodation, there is attributed to each record a degree of dependence as a function of the number of other records in cascade for which an application of said record gives rise to a re-accommodation of the reservations on said other records (see para. 5-6). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Barlow and Slivka to include the teachings of Shetty to determine a least cost solution schedule.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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